

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DROPLETS, INC.,

Plaintiff,

v.

**OVERSTOCK.COM, INC.,
SEARS ROEBUCK & CO.,
SEARS BRANDS LLC,
SEARS HOLDINGS CORPORATION,**

Defendants.

**Civil Action No. 2:11-cv-00401-JRG-
RSP**

JURY TRIAL

JOINT MOTION TO DISMISS OVERSTOCK.COM, INC.

WHEREAS, Plaintiff Droplets, Inc. (“Droplets”) and Defendant Overstock.com, Inc. (“Overstock”) have settled Droplets’s claims for relief against Overstock and Overstock’s counterclaims for relief against Droplets asserted in this case.

NOW, THEREFORE, Droplets and Overstock, through their attorneys of record, request this Court to dismiss Droplets’s claims for relief against Overstock and Overstock’s counterclaims for relief against Droplets, with prejudice and with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

DATED: March 8, 2016.

Respectfully submitted,

McKool Smith, P.C.

/s/ Josh Budwin

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on March 8, 2016. Local Rule CV-5(a)(3)(A).

/s/ James E. Quigley

James E. Quigley